



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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Monday, July 27, 2015

6:00 PM

City Hall Council Chambers

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*Present: James Mills, Brad N. Leskoven, David Hunter, Ronald Clark, Bobby VanBuren and Justice Barber*

*Absent: J. K. Lowman*

*Staff:*

*Rusty Roth, Planning & Zoning Manager*  
*Brian Binzer, Development Services Director*  
*Shelby Winkles, Planning Administrator*  
*Jasmine Chatman, Planner*  
*Daniel White, City Attorney*  
*Ines Embler, Secretary to the Board*

### CALL TO ORDER:

*Mr. Mills called the July 27, 2015 meeting of the Board of Zoning Appeals to order at 6:00PM*

### MINUTES:

**20150661**

**June 29, 2015 Board of Zoning Appeals Meeting Minutes**

**Review and Approval of the June 29, 2015 Board of Zoning Appeals Meeting Minutes.**

*Mr. Hunter made a motion, seconded by Mr. Leskoven that the June 29, 2015 Board of Zoning Appeals meeting minutes be approved. The Motion carried 5-0-1. Ms. Barber abstained.*

**A motion was made by Board member Hunter, seconded by Board member Leskoven, that this Minutes be Approved and Finalized . The motion CARRIED by the following vote.**

Absent: 1

Vote For: 5

Abstain: 1

## VARIANCES:

20150605

V2015-33 [VARIANCE] AIKGLLC (RANDY SCHNEIDER)

**V2015-33 [VARIANCE] AIKGLLC (RANDY SCHNEIDER) is requesting variances for property located in Land Lot 12100, District 16, Parcel 0750, 2nd Section, Marietta, Cobb County, Georgia and being known as 1255 Roswell Road. Variance to allow a temporary banner for longer than 60 days annually; variance to allow signage cover 44% of the building façade facing Roswell Road; variance to allow a roof sign facing Roswell Road. Ward 5A.**

*A public meeting was held.*

*Mr. James Ney, Counsel for AIKG, LLC, presented a request for Variance to allow a temporary banner for longer than 60 days annually; variance to allow signage cover 44% of the building façade facing Roswell Road; variance to allow a roof sign facing Roswell Road in order enable them to operate their facility in a fun and safe environment.*

*Mr. Clark asked questions about the request to extend the temporary banner date and about allowing the signage to cover 44% of the building façade facing Roswell Road.*

*Mr. Ney explained the reasons for requesting the extension of the temporary sign to September 21, 2015 and responded that the building façade is a mural rather than a sign and that murals are not prohibited by the City.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Clark to grant the application with stipulations, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Ms. Justice. The Motion carried 6-0-0.*

*Stipulations:*

- 1. The writing and script is to be eliminated from the mural.*
- 2. The grand opening banner is allowed until September 21, 2015.*
- 3. The roof sign on top of the canopy at the front entrance cannot project more than 5 feet above the roof line.*

**A motion was made by Board member Clark, seconded by Board member Barber, that this matter be Approved as Stipulated . The motion carried by the following vote:**

Absent: 1

Vote For: 6

20150606

**V2015-34 [VARIANCE] POWERS FERRY PLAZA**

**V2015-34 [VARIANCE] POWERS FERRY PLAZA is requesting a variance for property located in Land Lot 12400, District 16, Parcel 0800, 2nd Section, Marietta, Cobb County, Georgia and being known as 124 Powers Ferry Road. Variance to allow the finished side of a fence to face the interior of the property. Ward 7A.**

*A public meeting was held.*

*Mr. Thomas Jorglewich, the applicant, presented a request for a Variance to allow the finished side of a fence to face the interior of the property because that is how it was originally installed and it would now cause a hardship due to the dense vegetation up against the other side.*

*There was no opposition to this variance and no questions were asked.*

*The public hearing was closed.*

*A motion was made by Ms. Barber to grant the application under the criteria that unique conditions are applicable to the development of this site that do not generally apply to the sites in the same zoning district, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Mr. Van Buren. The Motion carried 6-0-0.*

**A motion was made by Board member Barber, seconded by Board member Van Buren, that this matter be Approved and Finalized . The motion carried by the following vote:**

**Absent: 1**

**Vote For: 6**

20150607

**V2015-35 [VARIANCE] MOHAMMAD ALI (H.K.F.S. INC)**

**V2015-35 [VARIANCE] MOHAMMAD ALI (H.K.F.S. INC) is requesting a variance for property located in Land Lot 12350, District 16, Parcel 1410, 2nd Section, Marietta, Cobb County, Georgia and being known as 749 Roswell Street. Variance to allow the use of auto sales on a lot less than 1 acre. Ward 1A.**

*A public meeting was held.*

*Mr. Salmin Ali, representing the applicant, presented a request for a Variance to allow the use of auto sales on a lot less than 1 acre in order to be able to proceed with the process of starting a business.*

*Mr. Van Buren and Mr. Leskoven asked questions about the number of vehicles that will be on the site and how many would be across the frontage and Mr. Ali stated that there would be 20 to 40 cars, but that only two vehicles will be displayed across the frontage.*

*Ms. Barber asked if the applicant had any site plans available to depict more specific details of their plans to reduce the footprint and overall plans for the building and whether those plans would be within Marietta Code. Mr. Ali stated that they do not have any plans but are willing to work with the City on any specific requirements.*

*Ms. Barber asked if they would be amenable to tabling this request until they are able to provide overall preliminary plans that also detail how they will be reducing the footprint and confirm that all his planned changes are allowed within City Code as well as be able to show depictions of how many cars will be displayed across the front and back of the building and Mr. Ali was amenable but expressed concern saying that they cannot move forward with the loan processing until the Variance is approved.*

*Mr. Leskoven and Mr. Van Buren asked if he would elaborate on the planned modifications of the building and Mr. Ali explained the details.*

*Mr. Leskoven asked Mr. Roth if there is currently a clear cut curb along the frontage and Mr. Roth said he believed that it was a rollover curb.*

*Ms. Justice stated that the letter received says that the dealer would not be a "buy here, pay here" type dealership and asked what the primary way to generate income would be for this lot and Mr. Ali said that the majority of the traffic would come from online sales and Auto Trader.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Leskoven to table this variance request and to waive the re-advertising fee in order to allow more time to bring forth a proposal that would depict the layout and address some of the concerns brought forth. It was seconded by Ms. Justice. The Motion carried 6-0-0.*

**A motion was made by Board member Leskoven, seconded by Board member Barber, that this matter be Tabled . The motion carried by the following vote:**

**Absent: 1**

**Vote For: 6**

**20150608**

**V2015-36 [VARIANCE] LARS M. FINDERUP**

**V2015-36 [VARIANCE] LARS M. FINDERUP is requesting variances for property located in Land Lot 10880, District 16, Parcel 0470, 2nd Section, Marietta, Cobb County, Georgia and being known as 262 Seminole Drive. Variance to reduce the side yard setback for an unenclosed porch from 5' to 0'; variance to reduce the eastern side yard setback from 10' to 5'; variance to allow an accessory structure's footprint exceed half that of the principal structure; variance to reduce the side yard setback for an accessory structure from 10' to 5'; variance to reduce the rear yard setback for an accessory structure from 22' to 5.' Ward 4B.**

*A public meeting was held.*

*Mr. Lars FINDERUP, the applicant, presented a request for a Variance to reduce the side yard setback for an unenclosed porch from 5' to 0'; variance to reduce the eastern side yard setback from 10' to 5'; variance to allow an accessory structure's footprint exceed half that of the principal structure; variance to reduce the side yard setback for an accessory structure from 10' to 5'; variance to reduce the rear yard setback for an accessory structure from 22' to 5' in order to deal with dilapidation that has occurred during the years and to expand the living space on the property.*

*Mr. Clark and Mr. Mills asked questions pertaining to drainage and Mr. FINDERUP explained that roof drainage would not spill on to the ground on either his or his neighbor's property because it would be collected by an underground storage pipe that already exists and is connected to the downspouts on the house.*

*Ms. Justice asked if the picture she was holding was the front of what he just demonstrated and he said it was the opposite end of it.*

*Mr. Van Buren asked about the dimensions of the roof line and Mr. FINDERUP confirmed that the roof line would be the same as it is now.*

*There was one (1) opposition to this variance.*

*Ms. Ann Parsons, the neighbor to the south, opposed and expressed concerns pertaining to the garage size and it being so close to her property line; drainage from the building, the property survey and the possibility of converting the garage to a separate dwelling in the future.*

*Mr. Van Buren asked if the size of the garage was an eyesore to her and she feels the new placement is a potential eyesore but she is more concerned with drainage and the new driveway. Mr. Mills explained that the garage will be in the same place it was previously at and she stated that it would be a much larger building that would exceed the footprint of the current garage.*

*Mr. Mills asked if her main concern is with drainage and she affirmed, stating she is concerned about the building drainage as well as the drainage from the driveway because it would now be paved and it used to be gravel.*

*Mr. Leskoven and Ms. Barber asked for clarification as to the exact location of her property in relation to the property in question and she explained where her property is located. She said he's like a side neighbor based on how her building sits on the property, although legally he is considered a rear neighbor. Her home is closer to Freyer Street.*

*Mr. Mills asked Mr. Roth if staff had seen anything pertaining to the new driveway and Mr. Roth explained that they have not seen any plans related to the new driveway, but that it is accurate to say that they would have to have a paved driveway and not gravel.*

*Mr. Hunter expressed concern over the building possibly being used as a separate dwelling.*

*Mr. FINDERUP answered the concerns of the Board Members and of Ms. Parsons and stated that he believes his property is downhill from Ms. Parson's and that water flows away from her property as it is, but he is amenable to collecting and disposing of the storm water in a responsible way. He also stated that there is a dense thicket between her house and the existing garage. He affirmed that the structure would not be used for renting as a separate dwelling.*

*In response to Mr. Finderup's comments, Ms. Parsons stated that her property is at a higher elevation, but that her brick patio is at a lower elevation.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to grant the application, with stipulations 1-4 and 6 recommended in the Staff Analysis, on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Leskoven. The Motion carried 6-0-0.*

*Stipulations:*

- 1. Property lines be surveyed and staked prior to beginning construction.*
- 2. Site plans for the improvements and submitted for permitting must be prepared by a registered engineer or surveyor.*
- 3. Submitted plans must provide a detailed exhibit addressing how stormwater runoff will be captured and directed away from the adjacent properties.*
- 4. The detached garage will not be converted to a separate dwelling unit.*
- 5. The detached structure will be limited to 22' in height.*

**A motion was made by Board member Hunter, seconded by Board member Leskoven, that this matter be Approved as Stipulated . The motion carried by the following vote:**

**Absent: 1**

**Vote For: 6**

**ADJOURNMENT:**

*The July 27, 2015 meeting of the Board of Zoning Appeals was adjourned at 6:59PM.*

  
JAMES (JIM) MILLS, CHAIRMAN

  
INES EMBLER, SECRETARY